

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CR-10-38-R
	)	
CHARLES ALAN DYER,	)	
	)	
Defendant.	)	

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**DEFENDANT'S MOTION IN LIMINE**

Comes Now the Defendant pursuant to LCrR 12.4 and requests a motion in limine be granted to preclude witnesses of the United States from testifying or providing evidence that the Defendant is a member of militia groups.

**STATEMENT OF FACTS**

The Defendant is currently charge with Failure to Register a Destructive Device [Title 26 U.S.C. §§5861(d), 5872, 2461(c)]. Subsequent to the arrest the Defendant was questioned by FBI and ATF agents. During certain interviews, the Defendant made statements that he was a member of the Oath Keepers and had attended some meetings related to the Oath Keepers. The Oath Keepers is an organization that consists of persons dedicated to the protection of constitutional rights. The agents also viewed various internet sites which showed the Defendant making certain statements about his constitutional beliefs and rights. The agents made various statements in their reports that the Defendant had ties to the militia and was a flight risk. There are many groups dedicated to the American Resistance Movement that include militia groups. Some militia have and are making

statements to inflict harm on any person that attempts to take away their constitutional rights.

### **ARGUMENTS AND AUTHORITY**

The Defendant is concerned that a witness of the United States may attempt to testify that the Defendant is a member of or has ties to the militia and is a dangerous person. There is no evidence that the Defendant has ever threatened harm on anyone as a result of his beliefs. There is no evidence that the Defendant is a member of any radical militia group that has threatened harm to the government or its officials.

The United States should be precluded from using any testimony or evidence in this matter that the defendant is a member of any militia group or organization. There have been recent newspaper articles about the beliefs and arrests of militia members that have threatened harm to the government. This type of evidence could persuade or influence the jury in a negative and prejudicial manner against the Defendant. The issue of the Defendant's beliefs are not relevant to the issues or facts of this case and any probative value is outweighed by its prejudicial effect. The evidence should be determined to be inadmissible pursuant to Federal Rules of Evidence Rule(s) 401 and 402.

Wherefore, premises considered the Defendant request that this Motion in Limine be granted and that the Unified States be precluded from the use of testimony or evidence that the Defendant is a member of a militia group.

Respectfully submitted,

/s/ David W. Hammond  
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Attorney for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that on April 2, 2010, I electronically transmitted the attached document to the Clerk of Court using ECF System for filing and transmittal of a Notice of Electronic Filing to ECF registrants.

/s/ David W. Hammond  
David W. Hammond